

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of;

ANDERSCH *et al.*

Appl. No.: 10/575,276

§ 371(c) Date: April 11, 2006

For: **Synergistic Insecticide Mixtures**

Confirmation No.: 8887

Art Unit: 1616

Examiner: SULLIVAN, Danielle D.

Atty. Docket: 2400.0270000/RWE/L-Z

**Correction To Third Supplemental Information Disclosure Statement
under 37 C.F.R. § 1.97(d)**

Mail Stop Amendment

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

On September 25, 2009, Applicants submitted a Third Supplemental Information Disclosure Statement in this Application, after the mailing date of a Final Rejection. It just came to Applicants' attention that the certification under 37 C.F.R. § 1.97(e)(2) in the First Supplemental Information Disclosure Statement contained an inadvertent error, *i.e.*, some documents cited therein were known to an individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the Third Supplemental Information Disclosure Statement. To correct the inadvertent error, Applicants herein submit a Correction To Third Supplemental Information Disclosure Statement in this Application.

Listed on accompanying IDS Forms, PTO/SB/08A and PTO/SB/08B, are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Correction To Third Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Second Supplemental

Information Disclosure Statement filed on April 14, 2009, in connection with the above-captioned application.

Copies of documents **NPL7-NPL30** have been submitted on September 25, 2009, and therefore **are not resubmitted** herein. In accordance with 37 C.F.R. § 1.98(a)(2), copies of U.S. patents and patent application publications, **US12** to **US40**, cited on the attached IDS Form, PTO/SB/08A, are not submitted. In addition, copies of documents **NPL31-NPL33** are not provided in accordance with the U.S. Patent and Trademark Office OG notice of October 19, 2004, which states: "the requirement in 37 C.F.R. § 1.98(a)(2)(iii) for a legible copy of the specification, including the claims, and drawings of each cited pending U.S. patent application (or portion of the application which caused it to be listed) is sua sponte waived where the cited pending application is stored in the USPTO's IFW system."

The Examiner's attention is directed to the following co-pending U.S. Patent Applications, which are directed to related technical subject matter:

U.S. Application No. 10/581,348 inventors Funke, C., *et al.*, filed on November 20, 2004; not yet published; listed as document **NPL31**;

U.S. Application No. 11/910,659 inventors Wachendorff-Neumann, U., *et al.*, filed on March 27, 2007; not yet published; listed as document **NPL32**; and

U.S. Application No. 12/515,339 inventors Dutzmann, S., *et al.*, filed on May 18, 2009; not yet published; listed as document **NPL33**.

The identification of these U.S. Patent Applications is not to be construed as a waiver of secrecy as to those applications now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications and the art cited therein during examination.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Correction To Third Supplemental Information Disclosure Statement is being filed before the mailing of a first Office Action after the filing of a request for

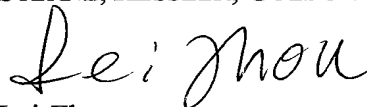
continued examination under 37 C.F.R. §1.114, on October 28, 2009. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "Lei Zhou", is written over the printed name.

Lei Zhou
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Date: February 2, 2010

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